

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JAMES TIMOTHY GWATNEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-567-L
)	
)	
MICHAEL J. ASTRUE, ¹)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

On January 19, 2007, Magistrate Judge Gary M. Purcell entered a Report and Recommendation in this action brought by plaintiff pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's concurrent applications for disability insurance and supplemental security income benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(l), 423 1382. The Magistrate Judge recommended that the decision of the defendant Commissioner be affirmed.

¹ Pursuant to Fed. R. Civ. P. 25(d)(1), Michael J. Astrue is substituted for Jo Anne B. Barnhart in this action.

The court file reflects that plaintiff filed timely Objections to the Findings and Recommendations of the Magistrate which the court has carefully considered. Plaintiff's objection is based on three points. First, he argues that the Magistrate's findings do not adequately consider his argument that the Administrative Law Judge ("ALJ") did not properly consider the medical opinion of Dr. Al-Khoury. Second, plaintiff asserts that the Magistrate's findings do not adequately consider his argument that he does not have the residual functional capacity to engage in substantial gainful activity or his past relevant work. Finally, plaintiff argues that the Magistrate did not adequately consider his argument that the ALJ erred in his credibility analysis.

Upon *de novo* review, the court finds that the Report and Recommendation should be adopted in its entirety. The Magistrate was correct in finding that the ALJ did not fail to specify the weight he accorded to Dr. Al-Khoury's opinion. The Magistrate Judge properly found that plaintiff was precluded from performing his previous jobs but was capable of performing other jobs available in the economy. There is substantial evidence to support the ALJ's findings in this regard. The court also agrees with the Magistrate Judge that no error occurred with respect to the ALJ's credibility determination.

Accordingly, the decision of the Commissioner to deny plaintiff's applications for disability insurance and supplemental security income benefits is

AFFIRMED.

It is so ordered this 16th day of February, 2007.



TIM LEONARD
United States District Judge